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Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JOSEPH LAURENSEN,)
)
Defendant.)
_____)

No. CR 3-11-70348 JL

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING FROM
NOVEMBER 3, 2011 TO DECEMBER 19,
2011

This case is scheduled for an arraignment or preliminary hearing on November 3, 2011. The parties have made progress negotiating a potential pre-indictment resolution but have not yet reached a complete resolution on the case. The parties believe that continued discussions are in the interests of the defendant and the government. A continuance of the scheduled hearing will allow the parties enough time to review and confer on discovery and come to a resolution on the case. The time is required for the effective preparation and continuity of defense counsel in representation of defendant.

The parties hereby jointly and respectfully request that the Court continue this matter to

STIP. AND ORDER
CR 3-11-70348 JL

Monday, December 19, 2011 at 9:30 a.m., before the duty Magistrate Judge for a preliminary hearing.

The parties further stipulate that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from November 3, 2011 through December 19, 2011. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The parties represent that granting the continuance is the reasonable time necessary for continuity of defense counsel and effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

MELINDA HAAG
United States Attorney

DATED: 11/2/2011 _____

/s/ Derek Owens

DEREK OWENS
Assistant United States Attorney

DATED: 11/2/2011 _____

/s/ Ronald Tyler

RONALD TYLER
Attorney for the Defendant

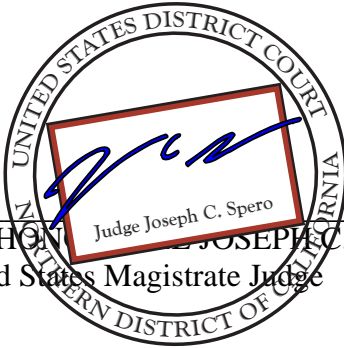
For the reasons stated above, the Court hereby vacates the November 3, 2011 hearing before Magistrate Judge Joseph C. Spero and continues it to Monday, December 19, 2011 at 9:30 a.m., before the duty Magistrate Judge for a preliminary hearing. The Court further finds that an exclusion of time from November 3, 2011 through December 19, 2011 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(7)(A); FRCP 5.1(d). The failure to grant

1 the requested continuance would deny the defendant of continuity of counsel and would deny
2 defense counsel the reasonable time necessary for effective preparation, taking into account the
3 exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C.
4 §3161(h)(7)(B)(iv).

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6 SO ORDERED.

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8 DATED: 11/3/11

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THE HON. JUDGE JOSEPH C. SPERO
United States Magistrate Judge